

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	<b>Case No. 3:23-00081</b>
<b>v.</b>	)	<b>CHIEF JUDGE CRENSHAW</b>
	)	
	)	
<b>JOSIAH ERNESTO GARCIA</b>	)	

**STATUS UPDATE AND REQUEST TO CANCEL OR RESET STATUS  
CONFERENCE**

Through counsel, Josiah Garcia provides this Court with a status update and requests that the Court cancel or reset the status conference currently scheduled for June 1, 2023. In support of this motion, Mr. Garcia would show the following:

1. On April 26, 2023, the Court denied the Government's motion to revoke release order and released Mr. Garcia pursuant to a number of conditions set by the court. (D.E. 26). At the conclusion of the hearing, the Court set a status conference to determine a final trial date and related pretrial deadlines. (*Id.*). The Court also stated that Mr. Garcia was to provide an update on his compliance with conditions.
2. On May 1, 2023, the Government filed a one-count indictment charging Mr. Garcia with using any facility of interstate and foreign commerce with intent that a murder be committed in violation of 18 U.S.C. § 1958. (D.E. 30)
3. The Court scheduled the trial and related deadlines, including a second status conference for June 26, 2023. (D.E. 34)

4. Since the Court released Mr. Garcia on conditions, the undersigned has maintained nearly weekly contact with Mr. Garcia and his sister, Naomi Diaz.
5. As of May 18, 2023, Mr. Garcia has secured employment at Magna International as a Production Operator.<sup>1</sup> (Attachment A, Email from Magna Human Resources). As production operator, Mr. Garcia's basic duties are to perform direct assembly/sub-assembly tasks to meet production schedules.
6. Mr. Garcia also completed a mental health assessment on May 3, 2023, with New Horizons Mental Health Services. (Attachment B, Assessment Summary). Unfortunately, he could not begin therapy immediately, due to limited space and is awaiting a date to begin counseling.
7. To date, Mr. Garcia has been in full compliance with the conditions set by this Court. He has secured employment, completed a mental health assessment, complied with home detention, and reported to his probation officer as required.
8. On May 23, 2023, Dennis McCafferty who is Mr. Garcia's probation officer from the Southern District of Ohio, informed the undersigned that Mr. Garcia "has been compliant with his release conditions with no issues at this time." Additionally, Mr. Garcia's pretrial officer from the MDTN, Douglas

---

<sup>1</sup> For clarity, Magna International is the company Mr. Garcia's brother-in-law works at in a management position. This company was discussed at the hearing on the motion to revoke release order.

Murphy, opined that he did not think any modifications to Mr. Garcia's current conditions needed to be made at this time as there were no issues with compliance.

9. The undersigned currently has a conflict on June 1, 2023, but is available for the June 26th conference date. At the time the Court set the June 1st hearing, counsel had no conflicts. Since that time, counsel is now expected to attend an out-of-state training conference that will take place from May 30-June 2, 2023.

10. On May 22, 2023, the undersigned contacted Assistant United States Attorney, Brooke Schiferle to discuss this request. Ms. Schiferle opposed this request to cancel or reset the June 1st status conference.

For the reasons stated above, Mr. Garcia moves the Court to cancel or reset the June 1, 2023, status conference and instead take up all related matters at the June 26th status conference. If the Court declines to cancel the June 1st status conference, counsel requests that the Court reschedule the June 1st status conference during the week of June 5, 2023.

**WHEREFORE**, for the above and foregoing reasons, it is respectfully prayed that this Honorable Court enter an order canceling or resetting the June 1, 2023, status conference.

Respectfully submitted,

/s/ David K. Fletcher  
DAVID K. FLETCHER  
Assistant Federal Public Defender  
810 Broadway, Suite 200  
Nashville, TN 37203  
615-736-5047  
E-mail: David\_Fletcher@fd.org

Attorney for Josiah Ernesto Garcia

**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2023, I electronically filed the foregoing *Status Update and Request to Cancel or Reset Status Conference* with the U.S. District Court Clerk by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: Brooke Schiferle, Assistant United States Attorney, 719 Church Street, Suite 3300, Nashville, Tennessee, 37203.

/s/ David K. Fletcher  
DAVID K. FLETCHER